IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Tr.P(C).No. 109 of 2007()

OP.1159/2006 of FAMILY COURT,ERNAKULAM
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PETITIONER/RESPONDENT:

RANJALA B.P., D/O. SANAKARAN,
AGED 27 YEARS, RESIDING AT MOOLEKKAT HOUSE,
ILLIPURAM, PAPPINISSERY POST, KANNUR DISTRICT.

BY ADV. SRI.O.P.NANDAKUMAR
SRI.V.A.AJAI KUMAR

RESPONDENT/PETITIONER:

VINEESH B.B., S/O. BALAKRISHNAN,
AGED 30 YEARS, NAYARUSSERY HOUSE,NAYARAMBALAM POST
KOCHI TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.V.V.JOSHI

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

HARUN-UL-RASHID, J.

Transfer Petition (Civil) No. 109 OF 2007

Dated this the 10th day of September, 2007.

O R D E R

This transfer petition is filed by the petitioner-wife seeking transfer of O.P. No. 1159/2006 pending before the Family Court, Ernakulam to Family Court, Kannur. Unable to maintain herself since she is a housewife having no source of income, she filed M.C. No. 470/06 before the Family Court, Kannur seeking maintenance. According to the petitioner, the respondent-husband is a Marble mason and earning more than Rs. 10,000/- per month. The petitioner is now living with her maternal uncle at Pappinissery near Kannur and she is living at the mercy of parents and uncle.

2. The respondent-husband filed O.P. No. 1159/2006 before the Family Court, Ernakulam for the relief of divorce under Section 13 of the Hindu Marriage Act. Annexure A1 is the petition filed seeking divorce before the Family Court, Ernakulam. According to the petitioner, the allegations in Annexure A1 petition are incorrect and cooked up stories to suit the convenience of the respondent for getting a decree of divorce.

The petitioner further alleged that she is absolutely a normal woman and not having any mental illness as alleged in Annexure A1 petition.

3. Annexure A2 is the petition filed by the petitioner for maintenance and the same is pending before the Family Court, Kannur within which jurisdiction the petitioner is presently residing. It is submitted for and on behalf of the petitioner that she is put to severe hardships since the husband filed a petition for divorce before the Family Court, Ernakulam. She has to come over at Ernakulam with her parents on the previous day of every posting dates and to stay at Ernakulam in order to attend the proceedings in Family Court, Ernakulam which is at a distance of at about 300 KMs from Kannur. The petitioner further averred that she is struggling to make both ends meet and unable to meet the expenses for travelling from Kannur to Ernakulam on every posting date.

4. Considering the facts and circumstances of the case, status of the parties, their means of livelihood and the fact that M.C. No. 470/2006 is pending before the Family Court, Kannur, interest of justice warrants that O.P. No. 1159/2006 pending

before the Family Court, Ernakulam has to be transferred for trial and disposal along with M.C. No. 470/2006 on the file of Family Court, Kannur.

Accordingly, I order transfer of O.P. No. 1159/2006 on the file of Family Court, Ernakulam to the Family Court, Kannur for trial and disposal along with M.C. No. 470/2006 pending before that court.

HARUN-UL-RASHID, JUDGE.

smp